

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-12253MLW

STEVEN MCDERMOTT and)
STACEY MCDERMOTT,)
Plaintiffs,)
)
v.)
)
FEDEX GROUND PACKAGE SYSTEMS, INC.))
T.S. PRUITT, ALLEGIANCE HEALTHCARE,))
INC., D. PONCE, E.W. WYLIE)
CORPORATION, D.W. SMITH,)
ARSENBERGER TRUCKING, INC.,)
J.T. FOSBRINK, RYDER TRUCK RENTAL,)
LORRAINE ODZANA as)
ADMINISTRATRIX OF THE ESTATE OF)
JAMES J. ODZANA, SHORELINE)
TRANSPORTATION, INC. JACYLYN)
PALETTA as ADMINISTRATRIX OF THE)
ESTATE OF MARIO J. CASTRO,)
Defendants.)

**DEFENDANT CARDINAL HEALTH 200, INC. f/k/a
ALLEGIANCE HEALTH CARE INC.'S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

The defendant Cardinal Health 200, Inc. f/k/a Allegiance Health Care, Inc. ("Cardinal") hereby moves pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure that all claims and cross-claims against it be dismissed for lack of personal

jurisdiction. In support of its motion, Cardinal relies on its memorandum of law and the affidavit of Kent Howell, both of which are filed herewith.

Respectfully submitted,
Defendant
CARDINAL HEALTH 200, INC. F/K/A
ALLEGIANCE HEALTHCARE, INC.
By its attorneys,

/s/ Michael D. Riseberg
John F.X. Lawler, BBO #546910
Michael D. Riseberg, BBO #567771
Erica B. Mecler, BBO #664709 (Pending
Admission)
ADLER POLLOCK & SHEEHAN P.C.
175 Federal Street
Boston, MA 02110
(617) 482-0600

Dated: May 25, 2007

CERTIFICATE OF RULE 7.1 CONFERENCE AND OF SERVICE

The undersigned hereby certifies that prior to filing the above motion he conferred with plaintiffs' counsel concerning its subject matter in a good faith attempt to resolve or narrow the issues presented. The undersigned further certifies that on **May 25, 2007** this document is being filed through the ECF system and, accordingly, is being sent electronically to the registered participants as identified on the Notice of Electronic Filing and a paper copy will be sent to any party indicated as a non registered participant.

/s/ Michael D. Riseberg
Michael D. Riseberg, BBO #567771